

Message Text

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ORIGIN ACDA-10

INFO OCT-01 IO-13 ISO-00 NSC-05 DODE-00 ERDA-05 CIAE-00

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JCS:CWILMOT-ACDA/GC:JMCNEILL

ERDA:JHTAYLOR

CIA:TFROSCHER

C:LFUERTH

PM:HPHELPS - S/S:MR ORTIZ

IO:LCAVANAUGH

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TO USMISSION IAEA VIENNA IMMEDIATE

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E.O. 11652: GDS

TAGS: PARM, IAEA, TECH

SUBJECT: IAEA AD HOC PNE ADVISORY GROUP - CONSULTATIONS

REF: A) STATE 267159

B) 75 STATE 218025

C) 75 STATE 232093

1. INSTRUCTIONS FOR CONSULTATIONS WITH WILSON AND OTHER
DELS (REF A) PRIOR TO OR DURING AD HOC GROUP MEETING ARE
CONTAINED IN FOLLOWING PARAGRAPHS.

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2. OVERALL OBJECTIVES OF THE CONSULTATIONS ARE: (A) TO LEARN IN ADVANCE VIEWS OF AD HOC GROUP CHAIRMAN AND OF UK AND FRG DELS (B) TO SEEK SUPPORT FOR US VIEWS, AND (C) TO MINIMIZE LIKELIHOOD THAT OTHERS WILL ADVOCATE ACTIONS CONTRARY TO US VIEWS.

3. IN CONSULTATIONS US REPS SHOULD DRAW ON US VIEWS CONTAINED PARAS 4-11:

4. GENERAL US VIEWS REGARDING ACTIVITIES OF ADVISORY GROUP REMAIN AS STATED REF B. GENERAL INSTRUCTIONS CONTAINED REF C, IN PARTICULAR PARAS 5,8,9 AND 11 STILL APPLY.

5. WE WISH TO AVOID USG COMMITMENT TO SUPPORT EACH AND EVERY STATEMENT CONTAINED IN DOCUMENTS PRODUCED BY GROUP. BASIS FOR US PARTICIPATION IN CONSENSUS ON ENDORSEMENT OF DOCUMENTS WILL BE OVERALL ADEQUACY OF DOCUMENT FOR TRANSMISSION TO BOARD OF GOVERNORS AND DEL IS INSTRUCTED TO PLACE THIS VIEW ON THE RECORD WHEN APPROPRIATE.

6. GOV/COM. 23/11/REV.1--STRUCTURE AND CONTENT ARE GENERALLY SATISFACTORY. HOWEVER, WE PLAN TO PROPOSE A NUMBER OF CHANGES.

7. GOV/COM. 23/13--US PLANS TO PROPOSE A NUMBER OF CHANGES IN BOTH ANNEX I AND ANNEX II. IN PARTICULAR, USG IS NOT PREPARED TO ENDORSE DOCUMENT WHICH: (A) IMPLIES THAT THE NPT TAKES PRECEDENCE OVER ALL OTHER INTERNATIONAL AGREEMENTS IN THE PNE FIELD; (B) SUGGESTS THAT THE IAEA MAY PROVIDE INTERPRETATIONS OF INTERNATIONAL LEGAL INSTRUMENTS TO WHICH IT IS NOT A PARTY; (C) GOES BEYOND NPT REVCON FINAL DECLARATION WITH REGARD TO TREATMENT OF NNWS WHICH ARE NOT NPT PARTIES; (D) ADVOCATES, CITES A NEED FOR, OR ENCOURAGES DEVELOPMENT OF INTERNATIONAL RADIATION STANDARDS FOR PNE PURPOSES. DEL IS AUTHORIZED TO JOIN IN ENDORSEMENT OF ANNEX I IF US COMMENTS ARE ACCOMMODATED AND NO CHANGES ARE MADE WHICH ARE INCONSISTENT WITH US VIEWS.

8. GOV/COM. 23/14--(AS A BEGINNING EFFORT, THIS ATTEMPT TO SET OUT POSSIBLE STRUCTURE AND CONTENT IS GENERALLY CONFIDENTIAL

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SATISFACTORY. HOWEVER, WE BELIEVE A NUMBER OF CHANGES ARE NECESSARY. IN PARTICULAR, US BELIEVES ALTERNATIVE (A) SHOULD BE REDRAFTED SO THAT ALTERNATIVE PROVIDES OPTION EITHER OF ANNEXING A MODEL AGREEMENT OR NOT ANNEXING A MODEL AGREEMENT.

9. PROCEDURES. US SUPPORTS VIEW EXPRESSED IN GOV/COM. 23/15 THAT THERE IS NO IMMEDIATE NEED TO CONTEMPLATE

REVISION OF THE PROCEDURES SPECIFIED IN GOV/1691, WHICH APPLY TO THE AGENCY'S ACTIONS WITH RESPECT TO THE EARLY STAGES INVOLVED IN PLANNING A PNE PROJECT. WE DO NOT SHARE VIEW STATED IN GOV/COM. 23/15 THAT ADDITIONAL PROCEDURES WILL BE REQUIRED IN 1979, THE SCHEDULED COMPLETION DATE OF THE QATTARA DEPRESSION PROJECT FEASIBILITY STUDY. IF OTHERS PRESS FOR FURTHER DEVELOPMENT OF PROCEDURES ON THESE GROUNDS, DEL IS PREPARED TO POINT OUT THAT BASED ON OUR STUDIES, IT DOES NOT APPEAR TO BE POSSIBLE TO CARRY OUT MAJOR PNE EXCAVATION PROJECTS WITHOUT VIOLATING THE LIMITED TEST BAN TREATY. US POSITION IS THAT IN ABSENCE OF ADEQUATE EXPERIENCE WITH CURRENT PROCEDURES AND OF CONCRETE NEED FOR EXTENSION OF PROCEDURES, IT WOULD NOT BE

FRUITFUL TO ATTEMPT TO DEVELOP PROCEDURES FOR RESPONDING TO REQUESTS FOR PNE-RELATED SERVICES AT LATER STAGES OF PNE PROJECTS. WE BELIEVE THAT FOR THE TIME BEING IT WILL BE SUFFICIENT TO KEEP UNDER REVIEW THE NEED FOR REVISION OR EXTENSION OF THE CURRENT PROCEDURES. DELEGATION IS NOT AUTHORIZED TO SUPPORT ANY RECOMMENDATION NOT CONSISTENT WITH THIS POSITION.

10. SCHEDULE. IF CONSENSUS DEVELOPS THAT TASKS SET FORTH BY BG RESOLUTION ESTABLISHING GROUP CANNOT BE COMPLETED WITHIN 18-MONTH DEADLINE, US REPS ARE AUTHORIZED TO SUPPORT EXTENSION IN ORDER TO FINISH THESE TASKS. WE DO NOT BELIEVE SETTING NEW SPECIFIC DATE WOULD BE REALISTIC, HOWEVER. WORK SHOULD BE COMPLETED IN BUSINESSLIKE MANNER, BUT NOT TIED TO ANY ARBITRARY DEADLINE. REPS ARE INSTRUCTED TO OPPOSE ANY EFFORT TO EXPAND GROUP'S WORK INTO NEW AREAS.

11. NATURE OF REPORT TO BG. USG VIEW IS THAT REPORT TO CONFIDENTIAL

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BG SHOULD CONTAIN ANALYSIS BEING PREPARED OF PRESENT TECHNICAL AND LEGAL STATUS OF PNES, PRESENT A LIST OF PRINCIPLES OR MATTERS TO BE CONSIDERED IN FORMULATING LEGAL INSTRUMENTS, AND PROVIDE A SUMMARY ANALYSIS OF POSSIBLE STRUCTURE AND CONTENT OF LEGAL INSTRUMENTS. HOW BEST TO RESPOND TO REQUEST TO PROVIDE ADVICE "ON THE FACTORS INVOLVED IN THE ESTABLISHMENT AND OPERATION OF AN INTERNATIONAL SERVICE FOR PNE" IS NOT COMPLETELY CLEAR. IT MIGHT BE POSSIBLE TO DEAL WITH THIS IN GENERAL INTRODUCTION TO REPORT. AMONG FACTORS WOULD BE CURRENT LEGAL AND TECHNICAL SITUATIONS, HEALTH, SAFETY AND ECONOMIC CONSIDERATIONS, AND BASIC PRINCIPLES. REPORT MIGHT ALSO USEFULLY IDENTIFY TOPICS WHICH COULD BE DISCUSSED OR ELABORATED FURTHER. WE DO NOT BELIEVE AD HOC GROUP SHOULD ATTEMPT TO ELABORATE POSSIBLE PROVISIONS OF, OR RECOMMEND

ANY PARTICULAR FORM OF LEGAL INSTRUMENT. AS OTED IN DEMARCHE IN LATE OCTOBER USG BELIEVES THAT AT THIS TIME, IT WOULD BE PREMATURE TO ATTEMPT TO DRAFT ANY FORM OF INTERNATIONAL AGREEMENT FOR PNE SERVICES. DEL IS INSTRUCTED TO OPPOSE ANY PROPOSAL INCONSISTENT WITH THIS POSITION. USG HAS OPTIONS FOR FUTURE COURSE OF ACTION UNDER REVIEW. THEREFORE, DEL SHOULD LISTEN WITH ATTENTION TO VIEWS OF OTHERS REGARDING FUTURE STEPS TO BE TAKEN ON QUESTION OF AGREEMENTS REFERRED TO IN ARTICLE V. KISSINGER

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